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JUDGE KAPLAN'S CHAMBERS

THE CITY OF NEW YORK

MICHAEL A. CARDOZO
Corporation Counsel

LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Barry Myrvold
Special Federal Litigation
(212) 788-9391
(212) 788-9776 (fax)
bmyrvold@law.nyc.gov

MEMO ENDORSED May 27, 2008

By Hand
Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

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DOC #: _____
DATE FILED: 6/4/08

Re: <u>Darious Peterson v. The City of New York, et al.</u>, 08 CV 4397 (LAK)

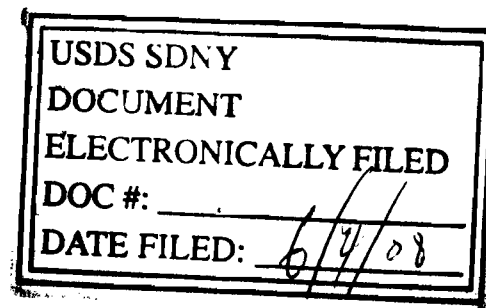Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendant City of New York in this action. I am writing with plaintiff's counsel's consent to respectfully request a sixty-day enlargement of time from June 5, 2008 to August 5, 2008 to respond to the complaint on behalf of the City.[1]

There are several reasons for seeking this enlargement of time to respond to the complaint. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Here, it is alleged that on June 15, 2007, plaintiff, who was operating a motor vehicle, was rear-ended by a police car, assaulted and arrested for numerous charges, including reckless endangerment and unlawful fleeing of a police vehicle. Plaintiff also alleges that he was hospitalized and incarcerated until September, 26, 2007 when a grand jury failed to return a true bill. As a result of the no true bill, the records relating to the arrest and prosecution may be sealed. Currently, this office is in the process of forwarding to plaintiff's counsel for execution a consent and authorization for the release of records that may have been sealed pursuant to N. Y. Criminal Procedure Law §

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[1] Plaintiff's counsel advises me that the individually named defendants, Police Officer Joseph Cruzado and Police Sergeant Meltzer have not been served.

[handwritten] Time extended to 7/3/08

SO ORDERED
[signature]